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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,088	10/11/2005	Shigetoshi Miyama	10873.1773USWO	6631
52835 7590 11/21/2007 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902			EXAMINER TOSCANO, ALICIA	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 11/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,088	Applicant(s) MIYAMA ET AL.	
	Examiner Alicia M. Toscano	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/25/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo (JP 2003213122) in view of Sakakibara (US 5112903).

This rejection is as set forth in the action dated 7/25/07.

Remarks:

Applicant argues that Otomo discloses the inclusion of plasticizers while mixing and that Otomo does not disclose water as a plasticizer. Applicant argues that though Sakakibara discloses that when kneading plasticizers such as water may be added, the combination of Sakakibara and Otomo is improper because the resin of Sakakibara is not the same as that of Otomo and said resins have entirely different properties. Applicant argues that the components used in the two references are not functioning in such a way that their interchange from one system to another would represent a predictable application of the known function.

Examiner disagrees. That Sakakibara and Otomo are using different polyester resin blends is moot since Sakakibara is used solely to teach the use of water as a plasticizer for use in polyester resins. Both Otomo and Sakaibara teach kneading/mixing while a plasticizer is added whereas Sakakibara teaches water as a

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known plasticizer for polyester resins. It is unclear to the Examiner why, when water is taught to be a plasticizer and when Otomo discloses the inclusion of plasticizers, that one would not use water in the composition of Otomo; nor is it clear to the Examiner why the inclusion of a plasticizer would not represent a predictable application of the known function. One would predict a known plasticizer to act as a plasticizer when used in the composition of Otomo since Otomo and Sakakibara both disclose the use of polyester resin blends. The rejection thusly stands.

2. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara in view of Otomo.

This rejection is as set forth in the action dated 7/25/07.

Remarks

Applicant argues that the two references are not functioning in the such a way that their interchange from one system to another would represent a predictable application of a known function.

Examiner disagrees. Sakakibara discloses a myriad of blend options, whereas Otomo discloses superior properties with a specific blend. The motivation to combine is proper. It is unclear why the interchange would not lead to a predictable application of the composition of Sakakibara when Otomo discloses said composition to have superior molding and mechanical properties. The rejection thusly stands.

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3. Claims 19, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo and Sakakibara or Sakakibara and Otomo in view of Taguchi (JP 2000-052408).

This rejection is as set forth in the action dated 7/28/07/

Remarks:

Applicant argues claim 1, from which the above claims depend on, has been distinguished over Otomo and Sakakibara. Examiner disagrees. The claims have not been distinguished over the prior art for the reasons set forth above. The rejection thusly stands.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otomo and Sakakibara or Sakakibara and Otomo in view of Masadu (JP 2004-195685).

This rejection is as set forth in the action dated 7/28/07/

Remarks:

Applicant argues claim 1, from which the above claims depend on, has been distinguished over Otomo and Sakakibara. Examiner disagrees. The claims have not been distinguished over the prior art for the reasons set forth above. The rejection thusly stands.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Toscano whose telephone number is 571-272-2451. The examiner can normally be reached on Monday to Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMT



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